

****NOT FOR PRINTED PUBLICATION****

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

UNITED STATES

v.

STEPHEN MICHAEL SMITH

§
§
§
§
§
§
§
§

CASE NO. 9:14-CR-4 (2)

**ORDER ACCEPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The court referred a petition alleging violations of supervised release conditions to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence.

At the close of the revocation hearing, U.S. Magistrate Judge Zack Hawthorn recommended:

1. that the court find that the Defendant violated the second allegation in the petition that he failed to follow a standard condition of release;
2. revoking the Defendant's supervised release pursuant to 18 U.S.C. § 3583; and
3. the Defendant should be sentenced to a term of 13 months' imprisonment, which shall include 140 days' unserved community confinement (converted to an equivalent term of imprisonment), with no supervised release to follow. His term of imprisonment should be served at the FMC in Fort Worth or Texarkana, if the Bureau of Prisons can accommodate such request.

At the close of the revocation hearing, the Defendant, defense counsel and counsel for the Government each signed a standard form waiving their right to object to the proposed

findings and recommendations contained in the magistrate judge's report, consenting to revocation of supervised release and imposition of the sentence recommended. The Defendant also waived his right to be present with counsel and to speak at sentencing before the court imposes the recommended sentence.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ACCEPTED**. It is therefore

ORDERED and **ADJUDGED** that the petition is **GRANTED** and Smith's supervised release is **REVOKED**.

Judgment and commitment will be entered separately, in accordance with the magistrate judge's recommendations.

So ORDERED and SIGNED, Mar 03, 2021.

A handwritten signature in black ink, appearing to read "Ron Clark", written over a horizontal line.

Ron Clark
Senior Judge